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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12
13 **THOMAS E. PEREZ**, Secretary of Labor, } **Case No. 16-CV-1950**
United States Department of Labor, }
14 }
Plaintiff, }
15 v. }
16 } **COMPLAINT FOR VIOLATIONS**
PRATT COMMUNICATIONS, INC., } **OF THE FAIR LABOR**
a corporation; KEVIN PRATT, an individual, } **STANDARDS ACT (FLSA)**
17 }
Defendants. }
18 }
19 }
20 }

21 Plaintiff, THOMAS E. PEREZ, Secretary of Labor, United States Department of
22 Labor (“Plaintiff” or the “Secretary”), brings this action to enjoin defendants PRATT
23 COMMUNICATIONS, INC., a corporation, and KEVIN PRATT, an individual (collectively,
24 “Defendants”) from violating the provisions of Sections 6, 7, 11, and 15 of the
25 Fair Labor Standards Act of 1938, as amended (29 U.S.C. §§ 201, et seq.) (hereinafter
26 called “FLSA” or the “Act”), pursuant to Section 17 of the Act; and to recover unpaid
27 compensation owing to Defendants’ employees, pursuant to Section 16(c) of the Act.
28

I

Jurisdiction of this action is conferred upon the Court by Sections 16(c) and 17 of the Act and 28 U.S.C. § 1345.

II

1. Defendant PRATT COMMUNICATIONS, INC. is and at all times hereinafter mentioned was a California corporation registered in Nevada, with an office and place of business located at 2430 N. Decatur Blvd., Suite 10, Las Vegas, NV, 89108, within the jurisdiction of this Court, and is, and at all times hereinafter mentioned was engaged in business as a telecommunications contractor subcontracting cable and computer modem installation from Cox Communications, a local cable company in Las Vegas.
 2. Defendant KEVIN PRATT, an individual, resides within the jurisdiction of this Court, and at all times hereinafter mentioned acted directly or indirectly in the interest of PRATT COMMUNICATIONS, INC. in relation to their employees.

III

PRATT COMMUNICATIONS, INC. is, and at all times hereinafter mentioned was, engaged in related activities performed through unified operation or common control for a common business purpose, and is and at all times hereinafter mentioned was an enterprise within the meaning of Section 3(r) of the Act.

IV

PRATT COMMUNICATIONS, INC. at all times hereinafter mentioned was an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Sections 3(s)(1)(A) the Act in that said enterprise at all times hereinafter mentioned had employees engaged in commerce or in the production of goods for commerce, or employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person and in that said enterprise has and has had an annual gross volume of sales made or business done of not less than \$500,000.00.

V

Defendants PRATT COMMUNICATIONS, INC. and KEVIN PRATT willfully violated the provisions of Sections 6 and 15(a)(2) of the FLSA from at least June 1, 2010 through May 31, 2013 (the “Subject Period”) by paying employees wages at rates less than \$7.25 per hour, the applicable federal minimum wage, in workweeks when said employees were engaged in commerce and in the production of goods for commerce or were employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the FLSA.

VI

Defendants PRATT COMMUNICATIONS, INC. and KEVIN PRATT willfully violated the provisions of Sections 7 and 15(a)(2) of the FLSA, 29 U.S.C. §§ 207 and 215(a)(2), respectively, by employing employees who in workweeks were engaged in commerce or in the production of goods for commerce, or who were employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, as aforesaid, for workweeks longer than forty hours during the Subject Period without compensating said employees for their employment in excess of forty hours per week during such workweeks at rates not less than one and one-half times the regular rate at which they were employed. Specifically, although Defendants' employees often worked over forty hours per week during their training periods, they were only compensated for forty hours, regardless of their number of actual hours worked.

VII

Defendants PRATT COMMUNICATIONS, INC. and KEVIN PRATT willfully violated the provisions of Sections 11(c) and 15(a)(5) of the FLSA in that they failed to make, keep, and preserve adequate and accurate records of employees and the wages, hours and other conditions and practices of employment maintained by them as prescribed by regulations duly issued pursuant to authority granted in the FLSA and found in 29 C.F.R. Part 516.

VIII

During the Subject Period, Defendants PRATT COMMUNICATIONS, INC. and KEVIN PRATT willfully violated the above-described provisions of the FLSA.

Judgment permanently enjoining and restraining such violations of the FLSA is specifically authorized by Section 17 of the FLSA, 29 U.S.C. § 217.

WHEREFORE, cause having been shown, the Secretary prays for a judgment against Defendants as follows:

a. For an Order pursuant to Section 17 of the Act, permanently enjoining and restraining Defendants PRATT COMMUNICATIONS, INC. and KEVIN PRATT, their officers, agents, servants, employees, and those persons in active concert or participation with them from prospectively violating the aforementioned provisions of Section 15 of the Act; and

b. For an Order:

i. pursuant to Section 16(c) of the Act finding Defendants PRATT COMMUNICATIONS, INC. and KEVIN PRATT liable for unpaid compensation due Defendants' employees and for liquidated damages equal in amount to the unpaid compensation found due Defendants' employees listed in the attached Exhibit A (additional back wages and liquidated damages may be owed to certain employees presently unknown to the Secretary for the period covered by this Complaint); or in the event liquidated damages are not awarded;

ii. pursuant to Section 17 of the Act enjoining and restraining Defendants PRATT COMMUNICATIONS, INC. and KEVIN PRATT, their officers, agents, servants, employees and those persons in active concert or participation with Defendants, from withholding payment of unpaid back wages found to be due Defendants' employees and pre-judgment interest computed at the underpayment rate established by the Secretary of Treasury pursuant to 26 U.S.C. § 6621;

c. For an Order awarding the Secretary the costs of this action; and

1 d. For an Order granting such other and further relief as the Court deems to be nec-
2 essary or appropriate.

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4 //

5 Dated: August 16, 2016

6 M. PATRICIA SMITH
Solicitor of Labor

7 JANET M. HEROLD
8 Regional Solicitor

9 SUSAN SELETSKY
10 Chief Counsel for FLSA Litigation

11 /s/ Grace A. Kim

12 GRACE A. KIM
13 Trial Attorney

14 U.S. DEPARTMENT OF LABOR
15 Attorneys for Plaintiff

EXHIBIT A

No.	Employee Last Name	Employee First Name
1	Aguayo	Antonio
2	Aguilar	Alex
3	Aguirre	Felicita
4	Allen	Justin
5	Alvarado	Marco
6	Ausiello	Ernest
7	Austin	Bobby
8	Barrios	Miguel
9	Bidlack	Donald
10	Bretado	Omar
11	Brito	Samuel
12	Bruns	Todd
13	Burrell	Kenneth
14	Cale	Thomas
15	Campo	Godfrey
16	Castillo	Vlad
17	Chavez	Jorge
18	Chavez	Mauricio
19	Chavez-Guzman	Jose
20	Choitz	Kurtis
21	Chung	Brice
22	Cochran, Jr.	Robert
23	Coignard	Christopher

1	24	Conic	Dusan
2	25	Conner	Andrew
3	26	Cooper, Jr.	Jeffrey
4	27	Corley	Andrew
5	28	Cornwell, Jr.	Lewis
6	29	Crayton	Richard
7	30	Crosta	Jason
8	31	Cruz	Juan
9	32	Cuevas	Pablo
10	33	Cuevas, Jr.	Leopoldo
11	34	Cundari	Michael
12	35	Curl	David
13	36	De la Cruz	Edher
14	37	Dedmon	Michael
15	38	Dedmon, Jr.	Kenneth
16	39	Deiterman	Matthew
17	40	Delgado	Joel
18	41	Dominguez	Ruben
19	42	Duarte	Armando
20	43	Dyer	Bryce
21	44	Erhart	Jeffrey
22	45	Estrada	Luis
23	46	Faber, Jr.	Lloyd
24	47	Fields	Damario
25	48	Flanagan	Scott
26	49	Flores	Mharlon
27	50	Garcia	Alan

1	51	Garcia	Daniel
2	52	Garcia-Alarcon	Israel
3	53	Geene	Michael
4	54	Ghisilieri	Carlos
5	55	Givehand	Morrice
6	56	Godoy	Cesar
7	57	Gomez	Hector
8	58	Goniwicha	Jeffrey
9	59	Gonzalez	David
10	60	Gonzalez	Hector
11	61	Gonzalez-Hernandez	Gustavo
12	62	Gusmerotti	Maica
13	63	Gutierrez	Dave
14	64	Hamby	Jesse
15	65	Hasipi	Mevludon
16	66	Hernandez	Juan
17	67	Hernandez	Oscar
18	68	Herrera Leon	Gregorio
19	69	Hoover	Christopher
20	70	Hopson	Chad
21	71	House	William
22	72	Huerta	Anthony
23	73	Humphrey	Nicholas
24	74	James	Robert
25	75	Johnson	Jeremiah
26	76	Jordan	Joel

1	77	Kersey	Nicholas
2	78	King	Nicolas
3	79	Klinkner	Christopher
4	80	Labelle	Scott
5	81	Lambert	Matthew
6	82	Lambertus	Hendrix
7	83	Lancara-Lane	Yanquiel
8	84	Lopez	Jose
9	85	Maddox	Christopher
10	86	Madril	Michael
11	87	Maness	Adam
12	88	Marquez	Ivan
13	89	Martinez Zamora	Daniel
14	90	Means	Ethan
15	91	Mercado	Jonathan
16	92	Molina	Carlos
17	93	Molloy	Robert
18	94	Monroy Ortiz	Osvaldo
19	95	Moore	Jeremiah
20	96	Morris	Justin
21	97	Morris	Wayne
22	98	Mucklow	Jeremy
23	99	Mundo	Kevin
24	100	Negaard	Mark
25	101	Norman	Charles
26	102	Ohan	Avedis
27	103	Olivas	Jose
28			

1	104	Olson	Bryan
2	105	Oprea	Loan
3	106	Ortega	Adrian
4	107	Ostrander	Greg
5	108	Palma	Edgar
6	109	Pena Lopez	Giovanni
7	110	Pennel	William
8	111	Quesada	Mauricio
9	112	Quoie	Theodore
10	113	Rancher	Rodrick
11	114	Rankins	Leonard
12	115	Rawson	Benjamin
13	116	Reshani	Arjan
14	117	Reynoso	Jose
15	118	Rivkind	Justin
16	119	Roberts	Barton
17	120	Rodriguez	Acxel
18	121	Rodriguez Pena	Jorge
19	122	Rogers, Jr.	Arthur
20	123	Romo	Brian
21	124	Rood	Brian
22	125	Rose, Jr.	Daniel
23	126	Rose, Jr.	Robert
24	127	Ross	Christopher
25	128	Rossi	Michael
26	129	Ruelas	Jose
27	130	Ryan	Joshua

1	131	Salby	Michael
2	132	Santana	Javier
3	133	Sawyer	Travis
4	134	Scacco	Michael
5	135	Scheel	Garrett
6	136	Schoch	Christopher
7	137	Schwarz	Darrin
8	138	Scott	Blair
9	139	Smith	Joshua
10	140	Smith	Russell
11	141	Stoddard	Brandon
12	142	Sullivan	Joshua
13	143	Terk	Anthony
14	144	Thomas	James
15	145	Thompson	Edward
16	146	Torres	Cristhian
17	147	Townsend	Paul
18	148	Townsend	Tyjuan
19	149	Trancoso	Michael
20	150	Tucker	Scott
21	151	Tulley	Dustin
22	152	Vargas, Jr.	Santiago
23	153	Venegas	Jesus
24	154	Vong	Korey
25	155	Walker	Clint
26	156	Walker	Xavier
27	157	Wallen	John
28			

1	158	Walsh	Shawn
2	159	Walther	Nicholas
3	160	Waltman	Matthew
4	161	Walton	Ralph
5	162	Watkins III	George
6	163	Westphal	Robert
7	164	White	David
8	165	Wilkerson	Brandon
9	166	Wilson	Ryan
10	167	Wright, Jr.	Darrel
11	168	Young	Keith
12	169	Young	Sean
13	170	Zepeda	Cristian
14	171	Zuniga	Johnny